



Simplifying Compliance



An Introduction to the Clean Water Act and Safe Drinking Water Act



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History

Rivers and Harbors Act 1899

 Prohibited discharge of any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state





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History

Rivers and Harbors Act 1899

- Section 10 U.S. Army Corps of Engineers Authority
- Traditionally Navigable Waters
 - Subject to the ebb and flow of the tide or
 - Presently used or have been used in the past or may by susceptible for use to transport interstate or foreign commerce
 - Ohio, Salt, Licking, Green, Cumberland, Big Sandy, Kentucky Rivers and some tributaries.



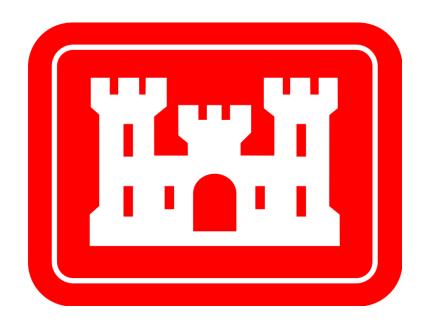
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History

Rivers and Harbors Act 1899

- Regulates the placement of any structure or work in, under or over a "traditionally navigable water".
- Structure or Work
 - Utility lines
 - Outfalls
 - Marinas
 - Boat docks
 - Dredging





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History

The Federal Water Pollution Control Act of 1948

- AKA... The Clean Water Act
- Resulted from the industrial boom after WWII
- Authorized the Surgeon General of the Public Health Service
 - In cooperation with other Federal, state and local entities
- Prepare programs for eliminating or reducing the pollution of interstate waters and tributaries and improving the sanitary condition of surface and underground waters

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act

prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States, or the waters of the contiguous zone, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, if such discharge causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil penalties and/or criminal sanctions, including fines and imprisionment.



Report all discharges to the National Response Center at 1-800-424-8807 or to your local U.S. Coast Guard office by phone or VHF radio, Channel 16.





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History

The Federal Water Pollution Control Act of 1948

- Amended several times
 - 1956 Added federal technical assistance and grants
 - 1961 Extended to intrastate and coastal waters
 - 1965 Creation of water quality standards
- Changed focus to municipal discharges





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History

Clean Water Act 1972

- 1968-1970 Pollution Surveys showed:
 - Losses in fishing industry
 - High levels of DDT in fish
 - High levels of bacteria





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History

Clean Water Act 1972

June 1969 Cuyahoga River





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History

Clean Water Act 1972

- Other fires on the Cuyahoga:
 - 13 total, starting in 1868
 - 1912 5 deaths
 - 1952 \$1.3 million in damages





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History

Clean Water Act 1972

 July 1970 Dept. of Health, Education and Welfare reported that 30% of water samples had chemicals exceeding the recommended Public Health Service limits.





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Clean Water Act



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History

Clean Water Act 1972

- 1972 amendments to the Federal Water Pollution Control
 Act renamed the Clean Water Act
- Established permitting authority
 - State
 - Interstate waters
- Amendments in 1977, 1981, 1987, and 2014
 - Changed construction grants process
 - Origination of the state revolving fund



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Clean Water Act

Parts

- Title I Research and Related Programs
- Title II Grants for Construction of Treatment Works
- Title III Standards and Enforcement
- Title IV Permits and Licenses
- Title V General Provisions
- Title VI State Water Pollution Control Revolving Funds



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Clean Water Act

Title I - Research and Related Programs

The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.





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Clean Water Act

Title I - Research and Related Programs

- Eliminate discharge of pollutants into navigable waters by 1985
- 2. Achieve water quality which provides for:
 - protection and propagation of fish and wildlife
 - recreation in and on the water by 1983
- 3. Prohibit discharge of toxic pollutants in toxic amounts



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Clean Water Act

Title II - Grants for Construction of Treatment Works

- Municipal Wastewater Treatment Construction
 - Assists local municipalities in building and expanding wastewater treatment facilities
 - Mostly replaced nowadays by Title VI, but some local utilities still receive funding this way.





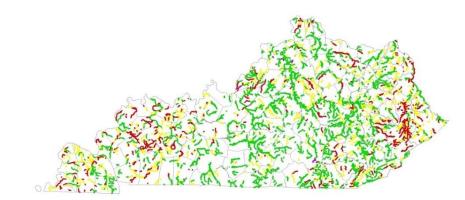
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Clean Water Act

Title III – Standards and Enforcement

- Prohibits discharges to waters of the US without a permit
 - Actual permitting programs outlined in Title IV
- Developed technology-based standards for types of municipal and industrial sources
- Water Quality Standards Program
 - Set site specific allowable pollutant levels based on risk.
- Water Quality Inventory
 - Assessments of waters

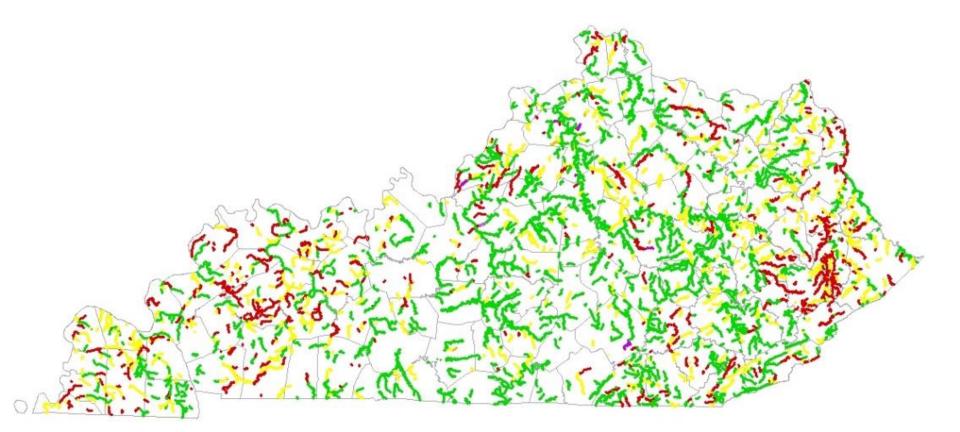




Clean Water Act

Title III – Standards and Enforcement

Used for the annual Integrated Report





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Clean Water Act

Title III – Standards and Enforcement

This is available online at <u>watermaps.ky.gov</u>





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Clean Water Act

Title III - Standards and Enforcement

- Civil and Criminal Enforcement
 - Violations, fines, etc.
- Nonpoint source management programs
 - Nonpoint sources: not easily identifiable
 - Runoff from land that is paved or farmed, or from bare soil





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Title IV – Permits and Licenses

- Water Quality Certification (Section 401)
- Dredge and fill (Section 404)







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Title IV – Permits and Licenses

- Kentucky Pollutant Discharge Elimination System (KPDES)
 - Required for all discharges to Waters of the Commonwealth
 - Point sources







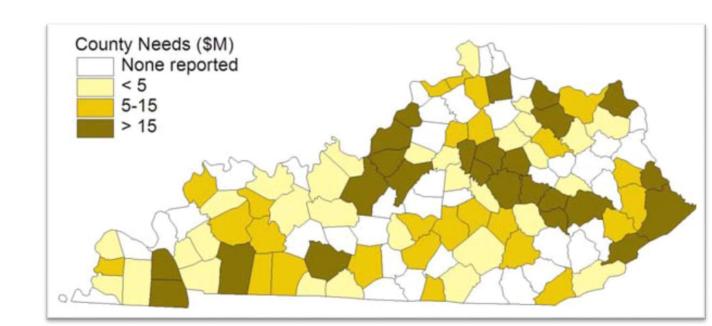
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Title V – General Provisions

- Clean Watersheds Needs Survey
 - Way to estimate cost of Clean Water Act implementation
- Emergency powers
- Allows for citizen suits
- Employee protection provision





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Clean Water Act

Title VI - State Water Pollution Control Revolving Funds

- Clean Water State Revolving Fund
- Grants to states to develop their own funds
- Water pollution control funds





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Safe Drinking Water Act



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Safe Drinking Water Act

History

- Passed in 1974
 - Set national health-based standards for drinking water to protect against both natural and man-made contaminants that may be found in drinking water.
 - Authorized EPA to establish minimum standards to protect
 - drinking water and requires water systems to comply.





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Safe Drinking Water Act

History

- Amendments in 1977, 1979, 1980, 1986, 1996, 2002, 2011, 2013, 2015, and 2016
 - 1986 added disinfection, limited lead pipes, included monitoring of underground injection wells
 - 1996 changed to risk-based approach to selecting contaminants, added funding sources.



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Safe Drinking Water Act

Scope

 Applies to private and publicly-owned water systems that provide piped water for human consumption to at least 15 service connections or that serve at least 25 people.





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Safe Drinking Water Act

How It Works

- A three pronged approach:
 - Source water protection
 - Treatment/distribution integrity
 - Public information

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Safe Drinking Water Act

Source Water Protection

- Many programs to help ensure that water sources are not contaminated
 - Wellhead Protection Program
 - Groundwater Protection Grants
 - Underground Injection Control program
 - Source Water Assessment Program
- States can use legal authorities from prevent pollution.





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Safe Drinking Water Act

Treatment/Distribution Integrity: Water Systems

- Three types of systems:
 - Community water systems: serves the same people year round
 - Non-transient non-community water systems: serves the same people, but not year round.
 - Transient non-community water systems: serves ever changing customers.





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Safe Drinking Water Act

- Requires EPA to develop regulations for contaminants where:
 - The contaminant may have adverse health effects
 - It is known, or likely, that the contaminant will occur in public water systems with a frequency and at levels of public health concern
 - Its regulation would present a meaningful opportunity for health risk reduction

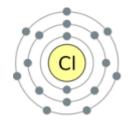


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Safe Drinking Water Act

- National Primary Drinking Water Regulations
 - Maximum Contaminant Levels (MCLs) for six groups:
 - Microorganisms
 - Disinfectants
 - Disinfection Byproducts
 - Inorganic Chemicals
 - Organic Chemicals
 - Radionuclides











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Safe Drinking Water Act

- Secondary Standards
 - Non-regulatory guidelines for aesthetic characteristics
 - Taste
 - Color
 - Odor





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Safe Drinking Water Act

- Contaminant Candidate List (CCL)
 - Contaminants that are currently unregulated, but may need to be
 - Used to prioritize research
 - EPA must decide whether to regulate at least 5 contaminants every 5 years.



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Safe Drinking Water Act

Treatment/Distribution Integrity

- States must have programs to certify water system operators
 - Operator Certification Program
- New water systems must have the technical, financial, and managerial capacity to provide safe drinking water.
 - Develop a strategy for assisting systems that are having difficulties with compliance
- Small Systems Technical Assistance





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Safe Drinking Water Act

Public Information

- All water suppliers must notify consumers quickly when there
 - is a serious problem with water quality.
 - Boil advisories
- Annual Drinking Water Quality Report
 - Should receive by July 1st with bill
 - Consumer Confidence Reports



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Safe Drinking Water Act

Funding

- EPA provides grants to states, and states develop drinking water revolving funds.
 - Grants allotted based on need
- Extra assistance is available for small water systems.
 - Funding, training, use of alternate treatment technologies





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Safe Drinking Water Act

Enforcement

- Both EPA and states can take enforcement actions against systems not meeting standards
- Civil and criminal penalties for tampering with a public water system







Resources

- Clean Water Act: A Summary of the Law
 - fas.org/sgp/crs/misc/RL30030.pdf
- Safe Drinking Water Act (SDWA): A Summary of the Act and Its Major Requirements
 - fas.org/sgp/crs/misc/RL31243.pdf



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Questions?

Division of Compliance Assistance 502-782-6189 envhelp@ky.gov

